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10 **BEFORE THE**  
 11 **CALIFORNIA GAMBLING CONTROL COMMISSION**  
 12 **STATE OF CALIFORNIA**

13 **In the Matter of the Accusation Against:**

14 **DELTA C, LP**, license number GEOW-  
 15 003148, sole owner of and doing business as  
**Kings Card Club** (GEGE-001313);

16 Delta CM, Inc. – General Partner:  
 17 Tigran Marcarian – President/Shareholder  
 Richard Shindle – Director/Shareholder  
 18 Tracey Kennedy – Shareholder  
 James Mullins – Secretary/Shareholder  
 19 Kerry Mullins – Shareholder

20 Delta Fore, LLC – A California Limited  
 21 Liability Company:  
 Richard Shindle – Managing Member  
 22 Tracey Kennedy – Member  
 James Mullins – Member  
 23 Kerry Mullins – Member

24 Tigran Marcarian – Limited Partner

25 Chant Manoukian – Limited Partner

26 6111 West Lane, Suite 103  
 27 Stockton, CA 95210

28 **Respondents.**

**BGC Case No. HQ2020-00004AC**

**OAH No. 2020110130**

**FIRST AMENDED ACCUSATION**

**(Pursuant to Gov. Code, § 11507)**

1 Complainant alleges as follows:

2 **PARTIES**

3 1. Stephanie Shimazu (Complainant) brings this First Amended Accusation solely  
4 in her official capacity as the Director of the California Department of Justice, Bureau of  
5 Gambling Control (Bureau). It amends the initial Accusation to add a second cause for  
6 discipline.

7 2. Respondent Delta C, LP, license number GEOW-003148, is a limited  
8 partnership and does business as Kings Card Club (Casino). The Casino is an 11-table card  
9 room located at 6111 West Lane, Suite 103, Stockton, California.

10 3. Delta C, LP 's partners are respondents Delta CM, Inc. (license number GEOW-  
11 003796), Delta Fore, LLC (license number GEOW-003778), Tigran Marcarian (GEOW-  
12 003143), and Chant Manoukian (license number GEOW-003767). Respondent Delta CM,  
13 Inc.'s shareholders are respondents Tigran Marcarian (license number GEOW-003896),  
14 Richard Shindle (license number GEOW-003773), Tracey Kennedy (license number GEOW-  
15 003770), James Mullins (license number GEOW-003772), and Kerry Mullins (license number  
16 GEOW-003771). Delta Fore, LLC's members are Richard Shindle (license number GEOW-  
17 003774), Tracey Kennedy (license number GEOW-003776), James Mullins (license number  
18 GEOW-003775), and Kerry Mullins (license number GEOW-003781). Delta C, LP and its  
19 direct and indirect owners are referred to collectively as "Respondents" in this Accusation.<sup>1</sup>

20 4. Delta C, LP and the other Respondents are endorsed on the Casino's State  
21 Gambling License, license number GEOW-001313.

22 5. The California Gambling Control Commission (Commission) issued the above-  
23 described licenses to Respondents pursuant to the Gambling Control Act (Act) (Bus. & Prof.  
24 Code, § 19800 et seq.).

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28 <sup>1</sup> Some Respondents have multiple license numbers resulting from their multiple direct  
or indirect ownership interests in Delta C, LP.

1                                    **JURISDICTION, STANDARD OF PROOF, AND COST RECOVERY**

2            6.        The Commission has jurisdiction over the operation and concentration of  
3 gambling establishments and all persons and things having to do with operation of gambling  
4 establishments. (Bus. & Prof. Code, § 19811, subd. (b).)<sup>2</sup> The Commission has all powers  
5 necessary and proper to fully and effectually carry out the policies and procedures of the Act.  
6 (Bus. & Prof. Code, § 19824.) The Commission’s responsibilities include assuring that no  
7 unqualified person, or any person “whose operations are conducted in a manner that is inimical  
8 to the public health, safety, and welfare” has any direct or indirect material involvement with a  
9 licensed gambling operation. (Bus. & Prof. Code, § 19823, subd. (a)(2).)

10           7.        The Act tasks the Bureau with, among other responsibilities, monitoring the  
11 conduct of licensees, investigating suspected violations of the Act, and initiating disciplinary  
12 actions. (Bus. & Prof. Code, §§ 19826, subds. (b), (c), (e), 19930, subd. (b).) Upon the Bureau  
13 filing an accusation, the Commission proceeds under Government Code section 11500 et seq.  
14 (Bus. & Prof Code, § 19930, subd. (b); see Cal. Code Regs., tit. 4, § 12554, subd. (a).) The  
15 Commission’s disciplinary powers include, among other things, license revocation, license  
16 suspension, imposing a condition on a license, and requiring payment of a fine or monetary  
17 penalty. (Bus. & Prof. Code, § 19930, subd. (c); Cal. Code Regs., tit. 4, § 12554, subd. (d).)

18           8.        In an accusation brought under the Act, the standard of proof is the  
19 preponderance of the evidence. (Cal. Code Regs., tit. 4, § 12554, subd. (c).)

20           9.        In a matter involving discipline of a license, the Bureau may recover its costs of  
21 investigation and prosecuting the proceeding. (Bus. & Prof. Code, § 19930, subd. (d).)

22                                    **THE DUTY TO OPERATE IN A SUITABLE MANNER TO PROTECT PUBLIC**  
23                                    **HEALTH, SAFETY, AND GENERAL WELFARE**

24           10.        The Act is an exercise of the police power of the state intended to protect the  
25 public’s health, safety and general welfare. The Act is to be liberally interpreted to effectuate  
26 that purpose. (Bus. & Prof. Code, § 19971.) The Act requires comprehensive regulation to

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28           <sup>2</sup> The statutes and regulations applicable to this Accusation are quoted in pertinent part  
in Appendix A.

1 maintain the public trust that permissible gambling will not endanger the public health, safety,  
2 and general welfare. (Bus. & Prof. Code, § 19801, subd. (g).)

3 11. The Act requires that all gambling establishments be operated in a manner  
4 suitable to protect the public health, safety, and general welfare. The responsibility for  
5 employing and maintaining suitable methods of operation rests with the owners. (Bus. & Prof.  
6 Code, § 19920.) The failure to meet this responsibility constitutes grounds for license  
7 revocation. (*Ibid.*) No owner licensee shall operate a card room in violation of the Act or any  
8 regulation adopted pursuant to the Act. (Bus. & Prof. Code, § 19922.)

### 9 **COVID-19 EMERGENCY AND THE GOVERNOR'S ORDERS**

10 12. The United States is in the midst of an unprecedented public health crisis with  
11 the worldwide COVID-19 Pandemic (Pandemic) caused by the SARS-CoV-2 virus (Virus).  
12 Like the rest of the country, California is in the grip of this Pandemic. According to data  
13 available on <https://covid19.ca.gov> (as of October 14, 2020), the Virus has infected more than  
14 855,000 people and killed more than 16,500 in California.

15 13. In response to the Pandemic, on March 4, 2020, the Governor proclaimed a state of  
16 emergency to exist as result of the threat of the spread of the Virus. On March 20, 2020, the  
17 Governor issued Executive Order N-33-20,<sup>3</sup> which incorporated the directives of the state's  
18 Public Health Officer issued under the California Health and Safety Code.

19 14. To combat the spread of the Virus, the Governor also issued Executive Order N-  
20 60-20, requiring closure of many California businesses, including licensed gambling  
21 establishments (card rooms).<sup>4</sup>

22 15. The executive orders issued by the Governor require that all California residents  
23 heed the guidance and directives of the state's Public Health Officer. Government Code section  
24 8665 provides that any person who violates or who refuses or willfully neglects to obey an

25 \_\_\_\_\_  
26 <sup>3</sup> Executive Order N-33-20 is available at  
<https://covid19.ca.gov/img/Executive-Order-N-33-20.pdf>.

27 <sup>4</sup> A copy of Executive Order N-60-20 may be viewed at:  
28 <https://www.gov.ca.gov/wp-content/uploads/2020/05/5.4.20-EO-N-60-20.pdf>.

1 executive order shall be guilty of a misdemeanor that upon conviction shall be punishable by a  
2 fine. Health and Safety Code section 120275 provides that any person who violates or who  
3 refuses or willfully neglects to obey an order of any health officer in the state is guilty of a  
4 misdemeanor. Pursuant to the Governor’s executive orders, all California card rooms,  
5 including the Casino, are required to be closed. While some closures are being lifted by the  
6 Governor, partially or in phases, no card rooms, including the Casino, have been permitted to  
7 resume full operations indoors. Some card rooms, including the Casino, are limited to outdoor  
8 operations. The Pandemic continues.

9 16. Effective August 21, 2020, the Commission issued emergency regulations  
10 requiring all card rooms, including the Casino, to prepare and maintain an emergency sanitation  
11 plan associated with any virus. (Cal. Code Regs., tit. 4, § 12371, subd. (g).) The Commission’s  
12 emergency regulations require every card room, including the Casino, to follow all federal,  
13 state, or local laws or other requirements imposed by entities with jurisdiction over the card  
14 room. (*Ibid.*)

15 17. In the interest of public health and allowing the card room industry an option to  
16 resume operations safely, the Commission and the Bureau worked with the Governor’s Office,  
17 the California Department of Public Health (Public Health), and the Department of Industrial  
18 Relations to outline requirements for those card rooms that choose to conduct gambling  
19 outdoors temporarily. On September 9, 2020, Public Health and the Division of Occupational  
20 Safety and Health (Cal/OSHA) issued guidelines for card rooms that choose to conduct  
21 gambling outdoors: “Covid-19 Industry Guidance: Outdoor Operation of Cardrooms” (Outdoor  
22 Guidelines).<sup>5</sup> Per the Statewide Public Health Officer Order, effective August 31, 2020 (Public  
23 Health Order),<sup>6</sup> card rooms must follow the Outdoor Guidelines issued to preserve public

24 <sup>5</sup> A copy of this document may be viewed at:  
25 <https://files.covid19.ca.gov/pdf/guidance-outdoor-cardrooms--en.pdf>

26 <sup>6</sup> A copy of this document may be viewed at:  
27 [https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/8-28-20\\_Order-Plan-Reducing-COVID19-Adjusting-Permitted-Sectors-Signed.pdf](https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/8-28-20_Order-Plan-Reducing-COVID19-Adjusting-Permitted-Sectors-Signed.pdf)

1 health, safety, and general welfare.<sup>7</sup> On the same date, the Commission advised all card rooms  
2 that they “must come into compliance with all outdoor gambling requirements as soon as  
3 possible, but no later than Monday, September 28, 2020.”<sup>8</sup>

4 18. California’s Blueprint for a Safer Economy provides revised criteria for loosening  
5 and tightening restrictions on activities, including at the Casino, based on the prevalence of the  
6 Virus in each county. (See fn. 7, *supra*.) In “red-tier” counties where transmission of the Virus  
7 is “Substantial,” such as in the county where the Casino is located, the Casino can open  
8 outdoors only with modifications as provided in the Outdoor Guidelines. (*Ibid.*)

9 **THE BUREAU’S OCTOBER 2, 2020 EMERGENCY LETTER OF WARNING AND**  
10 **THE BUREAU’S OCTOBER 15, 2020 EMERGENCY ORDER**

11 19. Since at least September 28, 2020, Respondents operated the Casino in a way that  
12 threatened the public health, safety, and general welfare. The Casino’s so-called outdoor  
13 facility was open to the public, but did not comply with, and violated, the Public Health Order  
14 and the Outdoor Guidelines. On October 2, the Bureau issued an Emergency Letter of Warning  
15 to the Casino’s designated agent detailing the Casino’s failure to comply with the Outdoor  
16 Guidelines. Exhibit 1 to this Accusation is a true copy of the Emergency Letter of Warning.  
17 On October 15, 2020, after the Casino failed to take corrective action, Complainant issued, and  
18 the Bureau served, an Emergency Order on Respondents pursuant to Business and Professions  
19 Code section 19931. Exhibit 2 to this Accusation is a true copy of the Emergency Order. The  
20 Emergency Order directed the Casino to immediately suspend and cease any and all indoor and  
21 outdoor gambling and gambling-related activities at the Casino and close the gambling  
22 establishment. The Emergency Order advised Respondents of its right to a hearing.

23 **FIRST CAUSE FOR DISCIPLINE**

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25 <sup>7</sup> See the State of California’s COVID-19 site “Blueprint for a Safer Economy” which  
26 provides county variances for reopening at: <https://covid19.ca.gov/safer-economy/>

27 <sup>8</sup> A copy of the Commission’s advice may be viewed at:  
28 <http://www.cgcc.ca.gov/documents/enabling/2020/COVID19/09.09.2020%20-%20Notice%20to%20Industry%20-%20Outdoor%20Gambling.pdf>

1                                   **(Failing To Protect the Public Health, Safety, and General Welfare)**

2           20. Respondents’ licenses are subject to discipline because Respondents operated the  
3 Casino in violation of the Public Health Order, the Outdoor Guidelines, and the Commission’s  
4 emergency regulations (collectively, Laws). The Laws were issued to protect the public health,  
5 safety, and general welfare of California’s citizens. By operating the Casino without complying  
6 with the Laws, Respondents put the public at risk. Additionally, while acting in violation of the  
7 Laws, Respondents operated the Casino in a manner that threatened, and failed to protect, the  
8 public health, safety and general welfare.

9 (Bus. & Prof. Code, §§ 19857, 19920, 19922; Cal. Code Regs., tit. 4, §§ 12568, subd. (c)(3),  
10 12371, subd. (g); Gov. Code, § 8665; Health & Saf. Code, § 120275.)

11                                   **SECOND CAUSE FOR DISCIPLINE**

12                                   **(Failing To Protect the Public Health, Safety, and General Welfare)**

13           21. Respondents’ licenses are subject to discipline because Respondents operated the  
14 Casino in violation of the Order of the San Joaquin County Public Health Officer Implementing  
15 the August 28, 2020, Directives of the Governor of California and the California State Public  
16 Health Officer (San Joaquin Order).<sup>9</sup> The San Joaquin Order was issued to protect the public  
17 health, safety, and general welfare of California’s citizens. By operating the Casino without  
18 complying with the San Joaquin Order, Respondents put the public at risk. Additionally, while  
19 acting in violation of the San Joaquin Order, Respondents operated the Casino in a manner that  
20 threatened, and failed to protect, the public health, safety and general welfare.

21 (Bus. & Prof. Code, §§ 19801, subds. (d), (e), (l), 19803, subd. (b), 19857, 19920, 19922,  
22 19923; Cal. Code Regs., tit. 4, §§ 12566, subd. (a)(3), 12568, subds. (a)(6), (c)(3), 12371, subd.  
23 (g); Gov. Code, § 8665; Health & Saf. Code, § 120275.)

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27                                   <sup>9</sup> Available at: < [http://www.sjcphs.org/documents/20200831\\_Order\\_of\\_The\\_SJC\\_Public\\_Health\\_Officer\\_Implementing\\_Update.pdf](http://www.sjcphs.org/documents/20200831_Order_of_The_SJC_Public_Health_Officer_Implementing_Update.pdf)>. Page 3 of 5 of the San Joaquin Order contains the  
28 following hyperlink: <<https://covid19.ca.gov/industryguidance/>>. This hyperlink takes the reader to the Outdoor Guidelines.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Commission issue a decision:

1. Disciplining State Gambling License Number GEOW-003148, issued to Delta C. LP., including suspension or revocation as appropriate;
2. Disciplining State Gambling License Number GEOW-003796, issued to Delta CM, Inc., including suspension or revocation as appropriate;
3. Disciplining State Gambling License Numbers GEOW-003143 and GEOW-003896, issued to Tigran Marcarian, including suspension or revocation as appropriate;
4. Disciplining State Gambling License Numbers GEOW-003773 and GEOW-003774, issued to Richard Shindle, including suspension or revocation as appropriate;
5. Disciplining State Gambling License Numbers GEOW-003770 and GEOW-003776, issued to Tracey Kennedy, including suspension or revocation as appropriate;
6. Disciplining State Gambling License Numbers GEOW-003772 and GEOW-003775, issued to James Mullins, including suspension or revocation as appropriate;
7. Disciplining State Gambling License Numbers GEOW-003771 and GEOW-003781, issued to Kerry Mullins, including suspension or revocation as appropriate;
8. Disciplining State Gambling License Number GEOW-003778, issued to Delta Fore, LLC, including suspension or revocation as appropriate;
9. Disciplining State Gambling License Number GEOW-003767, issued to Chant Manoukian, including suspension or revocation as appropriate;
10. Imposing fines or monetary penalties against Respondents, according to proof and to the maximum extent allowed by law;

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11. Awarding Complainant the costs of investigation and costs of bringing this  
Accusation before the Commission, pursuant to Business and Professions Code section 19930,  
subdivisions (d) and (f), in a sum according to proof; and

12. Taking such other and further action as the Commission may deem appropriate.

Dated: December 17, 2020

  
STEPHANIE SHIMAZU, Director  
Bureau of Gambling Control  
California Department of Justice



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(2) Assuring that there is no material involvement, directly or indirectly, with a licensed gambling operation, or the ownership or management thereof, by unqualified or disqualified persons, or by persons whose operations are conducted in a manner that is inimical to the public health, safety, or welfare.

(b) For the purposes of this section, “unqualified person” means a person who is found to be unqualified pursuant to the criteria set forth in Section 19857, and “disqualified person” means a person who is found to be disqualified pursuant to the criteria set forth in Section 19859.

4. Business and Professions Code section 19824 provides, in part:

The commission shall have all powers necessary and proper to enable it fully and effectually to carry out the policies and purposes of this chapter, including, without limitation, the power to do all of the following:

\* \* \*

(b) For any cause deemed reasonable by the commission, . . . limit, condition, or restrict any license, permit, or approval, or impose any fine upon any person licensed or approved. The commission may condition, restrict, discipline, or take action against the license of an individual owner endorsed on the license certificate of the gambling enterprise whether or not the commission takes action against the license of the gambling enterprise.

\* \* \*

(d) Take actions deemed to be reasonable to ensure that no ineligible, unqualified, disqualified, or unsuitable persons are associated with controlled gambling activities.

5. Business and Professions Code section 19825 provides:

The commission may require that any matter that the commission is authorized or required to consider in a hearing or meeting of an adjudicative nature regarding the denial, suspension, or revocation of a license, permit, or a finding of suitability, be heard and determined in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

1 6. Business and Professions Code section 19826 provides, in part:

2 The department<sup>[10]</sup> . . . shall have all of the following responsibilities:

3 \* \* \*

4 (b) To monitor the conduct of all licensees and other persons having a  
5 material involvement, directly or indirectly, with a gambling operation or  
6 its holding company, for the purpose of ensuring that licenses are not  
7 issued or held by, and that there is no direct or indirect material  
8 involvement with, a gambling operation or holding company by ineligible,  
unqualified, disqualified, or unsuitable persons, or persons whose  
operations are conducted in a manner that is inimical to the public health,  
safety, or welfare.

9 (c) To investigate suspected violations of this chapter or laws of this  
10 state relating to gambling . . . .

11 \* \* \*

12 (e) To initiate, where appropriate, disciplinary actions as provided in  
13 this chapter. In connection with any disciplinary action, the department  
14 may seek restriction, limitation, suspension, or revocation of any license or  
approval, or the imposition of any fine upon any person licensed or  
approved.

15 7. Business and Professions Code section 19855 provides, in part:

16 [E]very person who, by statute or regulation, is required to hold a state  
17 license shall obtain the license prior to engaging in the activity or  
occupying the position with respect to which the license is required.

18 8. Business and Professions Code section 19856 provides, in part:

19 (a) . . . . The burden of proving his or her qualifications to receive any  
20 license is on the applicant.

21 (b) An application to receive a license constitutes a request for a  
22 determination of the applicant's general character, integrity, and ability  
to participate in, engage in, or be associated with, controlled gambling.

23 (c) In reviewing an application for any license, the commission  
24 shall consider whether issuance of the license is inimical to public  
25 health, safety, or welfare, and whether issuance of the license will  
26 undermine public trust that the gambling operations with respect to  
27 which the license would be issued are free from criminal and dishonest  
28 elements and would be conducted honestly.

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<sup>10</sup> "Department" refers to the Department of Justice. (Bus. & Prof. Code, § 19805, subd. (h).)

1 9. Business and Professions Code section 19857 provides:

2 No gambling license shall be issued unless, based on all the  
3 information and documents submitted, the commission is satisfied that  
4 the applicant is all of the following:

5 (a) A person of good character, honesty and integrity.

6 (b) A person whose prior activities, criminal record, if any,  
7 reputation, habits, and associations do not pose a threat to the public  
8 interest of this state, or to the effective regulation and control of  
9 controlled gambling, or create or enhance the dangers of unsuitable,  
10 unfair, or illegal practices, methods, and activities in the conduct of  
11 controlled gambling or in the carrying on of the business and financial  
12 arrangements incidental thereto.

13 (c) A person that is in all other respects qualified to be licensed as  
14 provided in this chapter.

15 10. Business and Professions Code section 19920 provides:

16 It is the policy of the State of California to require that all  
17 establishments wherein controlled gambling is conducted in this state  
18 be operated in a manner suitable to protect the public health, safety,  
19 and general welfare of the residents of the state. The responsibility for  
20 the employment and maintenance of suitable methods of operation  
21 rests with the owner licensee, and willful or persistent use or toleration  
22 of methods of operation deemed unsuitable by the commission or by  
23 local government shall constitute grounds for license revocation or  
24 other disciplinary action.

25 11. Business and Professions Code section 19922 provides:

26 No owner licensee shall operate a gambling enterprise in violation  
27 of any provision of this chapter or any regulation adopted pursuant to  
28 this chapter.

12. Business and Professions Code section 19924 provides:

Each owner licensee shall maintain security controls over the  
gambling premises and all operations therein related to gambling, and  
those security controls are subject to the approval of the commission.

13. Business and Professions Code section 19930 provides, in part:

(b) If, after any investigation, the department is satisfied that a license,  
permit, finding of suitability, or approval should be suspended or revoked, it  
shall file an accusation with the commission in accordance with Chapter 5

1 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the  
2 Government Code.

3 (c) In addition to any action that the commission may take against a  
4 license, permit, finding of suitability, or approval, the commission may also  
5 require the payment of fines or penalties. However, no fine imposed shall  
6 exceed twenty thousand dollars (\$20,000) for each separate violation of any  
7 provision of this chapter or any regulation adopted thereunder.

8 (d) In any case in which the administrative law judge recommends that  
9 the commission revoke, suspend, or deny a license, the administrative law  
10 judge may, upon presentation of suitable proof, order the licensee or  
11 applicant for a license to pay the department the reasonable costs of the  
12 investigation and prosecution of the case.

13 (1) The costs assessed pursuant to this subdivision shall be fixed  
14 by the administrative law judge and may not be increased by the  
15 commission. When the commission does not adopt a proposed decision  
16 and remands the case to the administrative law judge, the administrative  
17 law judge may not increase the amount of any costs assessed in the  
18 proposed decision.

19 (2) The department may enforce the order for payment in the  
20 superior court in the county in which the administrative hearing was  
21 held. The right of enforcement shall be in addition to any other rights  
22 that the division may have as to any licensee to pay costs.

23 (3) In any judicial action for the recovery of costs, proof of the  
24 commission's decision shall be conclusive proof of the validity of the  
25 order of payment and the terms for payment.

26 \* \* \*

27 (f) For purposes of this section, "costs" include costs incurred for any  
28 of the following:

(1) The investigation of the case by the department.

(2) The preparation and prosecution of the case by the Office of  
the Attorney General.

14. Business and Professions Code section 19931 provides:

(a) The department may issue any emergency orders against an  
owner licensee or any person involved in a transaction requiring prior  
approval that the department deems reasonably necessary for the  
immediate preservation of the public peace, health, safety, or general  
welfare.

1 (b) The emergency order shall set forth the grounds upon which  
2 it is based, including a statement of facts constituting the alleged  
3 emergency necessitating the action.

4 (c) The emergency order is effective immediately upon issuance  
5 and service upon the owner licensee or any agent of the licensee  
6 registered with the department for receipt of service, or, in cases  
7 involving prior approval, upon issuance and service upon the person  
8 or entity involved, or upon an agent of that person or entity authorized  
9 to accept service of process in this state. The emergency order may  
10 suspend, limit, condition, or take other action in relation to the license  
11 of one or more persons in an operation without affecting other  
12 individual licensees, registrants, or the licensed gambling  
13 establishment. The emergency order remains effective until further  
14 order of the commission or final disposition of any proceeding  
15 conducted pursuant to subdivision (d).

16 (d) Within two calendar days after issuance of an emergency  
17 order, the department shall file an accusation with the commission  
18 against the person or entity involved. Thereafter, the person or entity  
19 against whom the emergency order has been issued and served is  
20 entitled to a hearing which, if so requested, shall commence within 10  
21 business days of the date of the request if a gambling operation is  
22 closed by the order, and in all other cases, within 30 calendar days of  
23 the date of the request. On application of the department, and for good  
24 cause shown, a court may extend the time within which a hearing is  
25 required to be commenced, upon those terms and conditions that the  
26 court deems equitable.

18 15. California Government Code section 8665, provides:

19 Any person who violates any of the provisions of this chapter or  
20 who refuses or willfully neglects to obey any lawful order or regulation  
21 promulgated or issued as provided in this chapter, shall be guilty of a  
22 misdemeanor and, upon conviction thereof, shall be punishable by a  
23 fine of not to exceed one thousand dollars (\$1,000) or by imprisonment  
24 for not to exceed six months or by both such fine and imprisonment.

23 16. California Health and Safety Code section 120275, provides:

24 Any person who, after notice, violates, or who, upon the demand  
25 of any health officer, refuses or neglects to conform to, any rule, order,  
26 or regulation prescribed by the department respecting a quarantine or  
27 disinfection of persons, animals, things, or places, is guilty of a  
28 misdemeanor.

1 17. California Code of Regulations, title 4, section 12371, provides, in part:

2 (a) A gambling enterprise must prepare and maintain an emergency  
3 sanitation plan. The emergency sanitation plan must be activated if the  
4 operating gambling establishment is subject to a state of emergency or  
5 other order and that state of emergency or other order is associated with a  
6 virus and includes an isolation, stay-at-home, telework, teleconferencing,  
7 or physical distancing order(s).

8 \* \* \*

9 (g) Compliance with the requirements of this section does not  
10 exempt a gambling enterprise from any other federal, state, or local laws  
11 or other requirements imposed by entities with jurisdiction over the  
12 enterprise.

13 18. California Code of Regulations, title 4, section 12554 provides, in part:

14 (a) Upon the filing with the Commission of an accusation by the  
15 Bureau recommending revocation, suspension, or other discipline of a  
16 holder of a license, registration, permit, finding of suitability, or approval,  
17 the Commission shall proceed under Chapter 5 (commencing with section  
18 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

19 \* \* \*

20 (c) The Administrative Law Judge and Commission shall base their  
21 decisions on written findings of fact, including findings concerning any  
22 relevant aggravating or mitigating factors. Findings of fact shall be based  
23 upon a preponderance of the evidence standard. The “preponderance of the  
24 evidence standard” is such evidence as when considered and compared  
25 with that opposed to it, has more convincing force, and produces a belief in  
26 the mind of the fact-finder that what is sought to be proved is more likely  
27 true than not true.

28 (d) Upon a finding of a violation of the Act, any regulations adopted  
pursuant thereto, any law related to gambling or gambling establishments,  
violation of a previously imposed disciplinary or license condition, or laws  
whose violation is materially related to suitability for a license,  
registration, permit, or approval, the Commission may do any one or more  
of the following:

(1) Revoke the license, registration, permit, finding of  
suitability, or approval;

(2) Suspend the license, registration, or permit;



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(5) Impose any fine or monetary penalty consistent with Business and Professions Code sections 19930, subdivision (c), and 19943, subdivision (b)

19. California Code of Regulations, title 4, section 12568, subdivision (c), provides, in part:

A state gambling license, finding of suitability, or approval granted by the Commission . . . and an owner license for a gambling establishment if the owner licensee has committed a separate violation from any violations committed by the gambling establishment shall be subject to revocation by the Commission on any of the following grounds:

\* \* \*

(3) If the Commission finds the holder no longer meets any criterion for eligibility, qualification, suitability or continued operation, including those set forth in Business and Professions Code section 19857, 19858, or 19880, as applicable, or

(4) If the Commission finds the holder currently meets any of the criteria for mandatory denial of an application set forth in Business and Professions Code sections 19859 or 19860.

**DECLARATION OF SERVICE BY E-MAIL ONLY**

Case Name: *Delta C, LP, dba Kings Card Club, et al.*

Case No.: BGC-HQ2020-00004AC

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for electronic service of documents. In accordance with that practice, on December 17, 2020, I served the following:

**FIRST AMENDED ACCUSATION (Pursuant to Gov. Code, § 11507)**

by transmitting a true copy via electronic mail addressed as follows:

**Tiffany Conklin-Lichtig**  
**California Gaming Advisors LLC**  
**1017 L Street, # 362**  
**Sacramento, CA 95814-3805**  
**Email: tiffany@cagamingadvisors.com**

*Attorneys for Respondents*

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on December 17, 2020, at Sacramento, California.

PAULA CORRAL

Declarant

*Paula Corral*

Signature